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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641-PHX-DGC

This Document Applies to:

DAVID E. CRUMP

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL (AMENDED)**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

David E. Crump

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

None

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

None

1 4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the
2 time of implant:

3 AL

4 5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the
5 time of injury:

6 AL

7 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

8 AL

9 7. District Court and Division in which venue would be proper absent direct filing:

10 United States District Court for the Northern District of Alabama

11 8. Defendants (Check Defendants against whom Complaint is made):

12 ☒ C.R. Bard Inc.

13 ☒ Bard Peripheral Vascular, Inc.

14 9. Basis of Jurisdiction:

15 ☒ Diversity of Citizenship

16 ☐ Other: _____

17 a. Other allegations of jurisdiction and venue not expressed in Master
18 Complaint:

19 _____

20 _____

21 _____

22 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim
23 (Check applicable Inferior Vena Cava Filter(s)):

24 ☐ Recovery[®] Vena Cava Filter

25 ☐ G2[®] Vena Cava Filter

26 ☐ G2[®] Express

27 ☐ G2[®] X Vena Cava Filter

11. Date of Implantation as to each product:
- 02/21/2011
-
12. Counts in the Master Complaint brought by Plaintiff(s):
- | | | |
|-------------------------------------|-------------|--|
| <input checked="" type="checkbox"/> | Count I: | Strict Products Liability – Manufacturing Defect |
| <input checked="" type="checkbox"/> | Count II: | Strict Products Liability – Information Defect (Failure to Warn) |
| <input checked="" type="checkbox"/> | Count III: | Strict Products Liability – Design Defect |
| <input checked="" type="checkbox"/> | Count IV: | Negligence - Design |
| <input checked="" type="checkbox"/> | Count V: | Negligence - Manufacture |
| <input checked="" type="checkbox"/> | Count VI: | Negligence – Failure to Recall/Retrofit |
| <input checked="" type="checkbox"/> | Count VII: | Negligence – Failure to Warn |
| <input checked="" type="checkbox"/> | Count VIII: | Negligent Misrepresentation |
| <input checked="" type="checkbox"/> | Count IX: | Negligence <i>Per Se</i> |
| <input checked="" type="checkbox"/> | Count X: | Breach of Express Warranty |
| <input checked="" type="checkbox"/> | Count XI: | Breach of Implied Warranty |
| <input checked="" type="checkbox"/> | Count XII: | Fraudulent Misrepresentation |
| <input checked="" type="checkbox"/> | Count XIII: | Fraudulent Concealment |
| <input checked="" type="checkbox"/> | Count XIV: | Violations of Applicable <u>AL</u> Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices |
| <input type="checkbox"/> | Count XV: | Loss of Consortium |
| <input type="checkbox"/> | Count XVI: | Wrongful Death |
| <input type="checkbox"/> | Count XVII: | Survival |

☒ Punitive Damages

☒ Other(s): All claims for Relief set forth in the Master Complaint for an
amount to be determined by the trier of fact. (please state the
facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

DATED this 27th day of June, 2019.

DALIMONTE RUEB STOLLER, LLP

By: /s/ Paul L. Stoller

John A. Dalimonte

Paul L. Stoller

Ashley Crowell

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of June, 2019 I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Donna M. Berrios